

Bederson LLP  
100 Passaic Avenue, Suite 310  
Fairfield, NJ 07004  
Tel. No. (973) 530-9181  
Fax No. (862)926-2485  
By: Charles N. Persing  
Subchapter V Trustee

Hearing Date: April 11, 2023  
Time: 9:00 a.m.  
Objections Due: April 4, 2023  
Time: 5:00 p.m.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re : Chapter 11  
NEW YORK HAND & PHYSICAL : Case No. 21-35911 (CGM)  
THERAPY PLLC : Subchapter V  
DEBTOR :

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**FIRST AND FINAL FEE APPLICATION OF CHARLES N. PERSING AS  
SUBCHAPTER V TRUSTEE, FOR ALLOWANCE OF COMPENSATION AND FOR  
REIMBURSEMENT OF EXPENSES  
FOR THE PERIOD DECEMBER 26, 2021 THROUGH MARCH 7, 2023**

Name of Applicant: Charles N. Persing

Authorized to Provide Professional Services as: Subchapter V Trustee

Date of Appointment: December 28, 2021

Period for which compensation and  
Reimbursement are sought: December 26, 2021 through  
March 7, 2023

Amount of Compensation sought as  
actual, reasonable and necessary: \$12,631.00

Amount of Expense Reimbursement sought  
as actual, necessary and reasonable: \$ 0.00

Total Final Fees and Expense Approval Requested \$12,631.00

This is a(n): interim/monthly x final application

**SUMMARY OF FIRST AND FINAL FEE APPLICATION**  
December 26, 2021 through March 7, 2023

**Compensation by Professional**

Name/Title	Experience (Years)	Rate/Hour	Hours	Total
Charles N. Persing Subchapter V Trustee	30+	\$460.00	27.70	\$12,512.00
Maritza M. Perez	16	170.00	0.70	119.00
		<b>Total</b>		<b>\$12,631.00</b>
	Blended Rate	<b>\$452.72</b>		

**Compensation by Project Category**

Project Category	Total Hours	Total Fees
Case Administration	1.50	\$690.00
Avoidance Action Litigation	0.20	92.00
Accounting/Auditing	1.70	782.00
Business Operations	2.30	1,058.00
Claims Admin & Objections	0.90	414.00
Fee/Employment Applications	3.90	1,591.00
Meeting of Creditors, IDI, and Hearings	7.20	3,312.00
Plan & Disclosure Statement	10.10	4,646.00
Tax Issues	0.10	46.00
<b>Total</b>	<b>27.90</b>	<b>\$12,631.00</b>

Bederson LLP  
100 Passaic Avenue, Suite 310  
Fairfield, NJ 07004  
Tel. No. (973) 530-9181  
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By: Charles N. Persing  
Subchapter V Trustee

Hearing Date: April 11, 2023  
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In re : Chapter 11  
NEW YORK HAND & PHYSICAL : Case No. 21-35911 (CGM)  
THERAPY PLLC : Subchapter V  
DEBTOR :

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**FIRST AND FINAL APPLICATION OF CHARLES N. PERSING,  
SUBCHAPTER V TRUSTEE FOR ALLOWANCE OF  
COMPENSATION AND FOR REIMBURSEMENT OF EXPENSES  
FOR THE PERIOD DECEMBER 26, 2011 THROUGH MARCH 7, 2023**

TO: THE HONORABLE CECELIA G. MORRIS  
UNITED STATES BANKRUPTCY JUDGE:

Charles N. Persing as Subchapter V Trustee in the captioned debtors' case ("Trustee") submits this First and final Application (the "Application"), pursuant to § 330(a) of title 11, United States Code (the "Bankruptcy Code") and Rule 2016 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), for allowance of compensation for professional services performed and expenses incurred in connection with his role as Trustee and in support of the Application, respectfully represents:

**RELIEF REQUESTED**

1. By this Application, the Trustee seeks entry of an order authorizing the allowance

and payment of final compensation in the amount of \$12,631.00 and expenses of \$0.00 for the period December 26, 2021 to March 7, 2023.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction to consider this Application pursuant to 28 U.S.C. §§157 and 1334. This is a “core” proceeding pursuant to 28 U.S.C. §159(b). Venue of these proceedings and over this Application are proper in this district pursuant to 28 U.S.C. §§1408 and 1409.

**THE APPLICATION**

3. CHARLES N. PERSING was appointed as Subchapter V Trustee in the Debtors’ case pursuant to a notice of appointment dated December 28, 2021. (*See* ECF No. 3). I have attached a schedule of detailed time records, reflecting the time (Exhibit A) and expenses incurred (Exhibit B) I spent on this case.

4. Since his appointment, the Trustee has fulfilled his duties as follows:
  - a. Numerous discussions with Debtor counsel and paralegal re items needed for compliance with bankruptcy code.
  - b. Undertaking limited investigation concerning the Debtor’s assets and analysis of business debt.
  - c. Conferring Debtor’s counsel, prior to the IDI regarding the background of the case, progress towards development of a plan and the plan confirmation process.
  - d. Review limited documents provided for IDI.
  - e. Attending both the IDI and section 341 meeting of creditors conducted by the Office of the United States Trustee.

- f. Conferring with Debtor's counsel regarding the background of the case, progress towards development of a plan and the plan confirmation process which was not started by Debtor.
- g. Monitor and maintain settlement discussions and agreements between the lender and Debtor.
- h. Attended the status conference held by the Court.
- i. Kept US Trustee Attorney and Analyst apprised of Debtor activity during case.
- j. Engage in numerous discussions with UST, and Debtor counsel re motion to dismiss and or convert.
- k. Review all case filings.
- l. Attend all hearings held by the Court.

**STATUTORY BASIS FOR RELIEF REQUESTED**

5. Bankruptcy Code §330(a)(1)(A) provides that the level of compensation that the court may award to a professional, including the subchapter V trustee, should be “reasonable compensation for actual, necessary services rendered by the . . . trustee and by any paraprofessional person employed by any such person . . .” 11 U.S.C. §330(a)(1)(A).

6. When reviewing fee applications, courts generally use the “lodestar” approach, pursuant to which the court first establishes a reasonable hourly rate of compensation based on the value of the services provided and the cost of comparable services, and then multiplies such rate by the reasonable number of compensable hours. *See Busy Beaver*, 19 F.3d at 849, n.21. *See also, In re Drexel Burnham Lambert Group, Inc.* 133 B.R. 13, 21—22 (Bankr. S.D.N.Y. 1991) (stating courts employ lodestar approach “with the ‘strong presumption’ that the lodestar product is reasonable under §330”) (citations omitted); *In re West End Fin. Advisors, LLC*, 2012

Bankr. LEXIS 3045, \*12 (Bankr. S.D.N.Y. July 12, 2012) (“The rules that govern fee awards and time record keeping in bankruptcy mirror those that apply in non-bankruptcy cases. Courts outside of bankruptcy generally apply the ‘lodestar’ method . . .”) (citations omitted); *In re Cena's Fine Furniture, Inc.*, 109 B.R. 575, 581 (E.D.N.Y. 1990).

7. Additionally, Bankruptcy Code §503(b) provides that, after notice and a hearing, administrative expenses can be awarded and paid including “compensation and reimbursement awarded under section 330(a).” 11 U.S.C. §503(b)(3).

8. It is respectfully submitted that the compensation sought herein by the Trustee should be allowed based on the above standard. The rate charged is typical of other comparably skilled practitioners, and the amount of time spent was reasonable in light of the nature of the issues presented and the complexity of the Debtor’s case. The services provided were both necessary and beneficial to the administration of the case and necessary for the Trustee to fulfill his duties as Trustee as required in the Bankruptcy Code.

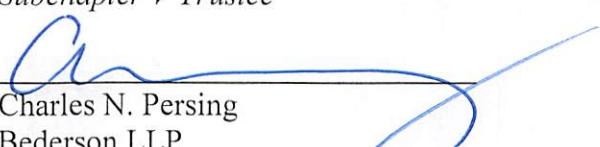
WHEREFORE, the Trustee respectfully requests that the Court enter an order granting this Application in its entirety and for such further and different relief as is just, proper and equitable.

Dated: Fairfield, New Jersey  
March 9, 2023

Respectfully submitted,

*Charles N. Persing*  
*Subchapter V Trustee*

By:

  
Charles N. Persing  
Bederson LLP  
100 Passaic Avenue, Suite 310  
Fairfield, New Jersey 07004

Schedule A

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re	:	Chapter 11
NEW YORK HAND & PHYSICAL	:	Case No. 21-35911 (CGM)
THERAPY PLLC	:	Subchapter V
DEBTOR	:	
STATE OF NEW JERSEY	)	
COUNTY OF ESSEX	)	

I, Charles N. Persing, hereby respectfully certify and verify as follows:

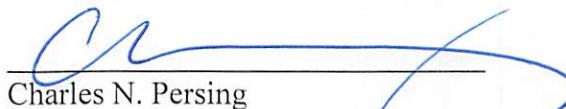
1. I am Partner in the firm of Bederson LLP, maintaining an office at 100 Passaic Avenue, Suite 310, Fairfield, New Jersey 07004, and was appointed as the Subchapter V Trustee in the above-referenced bankruptcy case of New York Hand & Physical Therapy PLLC. (“Debtor”).
2. This affirmation and certification are being submitted pursuant to Bankruptcy Rule 2016(a), Local Rule 5070-1 of the Southern District of New York and pursuant to the Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses filed under 11 U.S.C. § 330 issued by the United States Trustee (“Guidelines”), in connection with my application (“Application”) for a final fee award of compensation in the amount of \$12,631.00 for professional services rendered by, as Trustee, in these proceedings for the period of month December 26, 2021 through March 7, 2023. All services for which compensation is requested were for professional services performed on behalf of the Debtor.

3. The expenses incurred in the amount of \$0.00 for which reimbursement is requested in this Application were reasonable, necessary and proper in furtherance of the duties and functions of me, as Trustee, and were not incurred on behalf of any other person. The expenses incurred include only ordinary and necessary costs and charges and exclude any and all charges for sustenance so as to effectively avoid charging the Debtor's Estate for luxury accommodations and meals.

4. I am the Certifying Professional in compliance with Bankruptcy Rule 2016(a), Local Rule 5070-1 of the Southern District of New York and the Guidelines. I have read the Application and to the best of my knowledge, information and belief, formed after reasonable inquiry, the Application complies with the aforementioned Rules and Guidelines.

5. In the Application, in providing a reimbursable service, I will not make a profit on that service, and in charging for a particular service, do not include in the amount for which reimbursement is sought, the amortization of any investment, equipment or capital outlay. In seeking reimbursement for services purchased or contracted for from a third party, I request reimbursement only for the amount billed by the third-party vendor and paid to such vendor.

Dated: March 9, 2023

  
Charles N. Persing

NY HAND & PHYSICAL THERAPY, PLLC

EXHIBIT A

DESCRIPTION	DATE	ACCT	HOURS	RATES	FEES
REVIEW DOCKET AND SEND OUT CONFLICT CHECK	12/26/2021	CNP	0.40	460.00	184.00
FINISH REVIEW OF DOCKET AND ACCEPT CASE AND PREPARE VERIFIED STATEMENT AND SEND TO UST FOR FILING.	12/27/2021	CNP	0.40	460.00	184.00
SEND EMAILS TO DEBTOR COUNSEL RE CASE AND REVIEW DOCKET ITEMS	12/28/2021	CNP	0.10	460.00	46.00
SET UP CASE ON SOFTWARE	12/28/2021	CNP	0.20	460.00	92.00
CALL WITH CHEUK NG RE IDI SCHEDULING AND NAME ON VERIFIED STATEMENT	12/29/2021	CNP	0.10	460.00	46.00
EMAILS TO UST AUDITOR AND DEBTOR COUNSEL SETTING UP IDI AND REQUEST FOR DOCUMENTS	12/29/2021	CNP	0.20	460.00	92.00
CORRECT VERIFIED STATEMENT FOR REFILED	12/30/2021	CNP	0.20	460.00	92.00
EMAIL DEBTOR COUNSEL RE CALL TO DISCUSS CASE	1/4/2022	CNP	0.10	460.00	46.00
INITIAL CALL WITH DEBTORS COUNSEL RE CASE FACTS AND PLAN	1/5/2022	CNP	1.00	460.00	460.00
REVIEW IDI DOCUMENTS	1/6/2022	CNP	0.20	460.00	92.00
DOWNLOAD AND REVIEW OBJECTION TO CONTINUED USE OF CASH	1/10/2022	CNP	0.20	460.00	92.00
CALL TO LENDER COUNSEL KELLY GRIFFITH RE MOTION TO OBJECT TO CASH COLLATERAL AND REVIEW SAME	1/10/2022	CNP	0.30	460.00	138.00
REVIEW DOCKET (.3) AND CALL COUNSEL (.2) RE IDI TODAY, SEND LATEST 2 FILINGS TO UST AUDITOR AND FOLLOW UP EMAILS RE IDI	1/13/2022	CNP	0.60	460.00	276.00
REVIEW AND FORWARD NY UC NOTICE TO DEBTOR COUNSEL	1/13/2022	CNP	0.10	460.00	46.00
ATTEND IDI FOR CASE	1/13/2022	CNP	0.90	460.00	414.00
ATTEND 341	1/19/2022	CNP	1.70	460.00	782.00
EMAIL CLAIM TO DEBTORS COUNSEL	1/19/2022	CNP	0.10	460.00	46.00
SEND SAMPLES OF PLANS TO DEBTOR COUNSEL	1/19/2022	CNP	0.10	460.00	46.00
REVIEW DOCUMENTS SENT TO UST FROM DEBTOR'S COUNSEL RE IDI AND 341	1/26/2022	CNP	0.10	460.00	46.00

NY HAND & PHYSICAL THERAPY, PLLC

EXHIBIT A

DESCRIPTION	DATE	ACCT	HOURS	RATES	FEES
CALL WITH UST TRIAL ATTORNEY RE RESULTS OF HEARING AND NEXT STEPS, MOTION TO DISMISS TO BE FILED AT DIRECTION OF COURT	2/1/2022	CNP	0.10	460.00	46.00
CALL WITH DEVON SALTS RE POST HEARING CALL	2/1/2022	CNP	0.30	460.00	138.00
PREPARE FOR AND ATTEND STATUS CONFERENCE CALL	2/1/2022	CNP	1.00	460.00	460.00
REVIEW DOCUMENTS AND EMAILS RELATED TO CASH COLLATERAL	2/2/2022	CNP	0.30	460.00	138.00
ATTEND ZOOM CALL FOR DISMISSAL HEARING - LONG CALL STARTED AT 9:00 BUT ONLY CHARGE COURT TIME TIME OUT 11:05	2/3/2022	CNP	0.30	460.00	138.00
LEFT MESSAGE FOR DEVON SALTS RE STATUS OF PLAN	2/9/2022	CNP	0.10	460.00	46.00
DOWNLOAD AND REVIEW 3 DOCKETS; 41, 42 AND CLAIM	2/9/2022	CNP	0.10	460.00	46.00
CALL WITH DEVON SALTS RE PLAN AND STATUS, DISCUSS POINTS TO ADD TO PLAN	2/16/2022	CNP	0.30	460.00	138.00
DOWNLOAD AND REVIEW DOCKETS 43, 40, 39, 37, 36, 29, 28	2/20/2022	CNP	0.30	460.00	138.00
LEFT MESSAGE WITH DEVEN SALTS RE PLAN AND NO MOR'S FILED AND POSSIBILITY CASE BEING DISMISSED	3/15/2022	CNP	0.10	460.00	46.00
CALL WITH TRIAL ATTORNEY RE CASE STATUS NO MOR, PLAN DUE AND NEXT STEPS (PART OF .4 CALL, BALANCE NOT CHARGED)	3/15/2022	CNP	0.10	460.00	46.00
EMAIL TO DEBTOR COUNSEL RE LACK OF REVIEW OF PLAN	3/17/2022	CNP	0.10	460.00	46.00
CALL WITH DEBTOR COUNSEL RE MOR'S PLAN AND ITEMS NEED TO AVOID CONVERSION	3/21/2022	CNP	0.40	460.00	184.00
2 CALLS WITH UST TRIAL ATTORNEY RE MOTION AND HEARING TO DISCHARGE AND 2ND CALL ABOUT CALL WITH DEBTOR COUNSEL RE PLAN	3/22/2022	CNP	0.20	460.00	92.00
CALL WITH DEBTOR COUNSEL RE DIFFICULTY FOR PROJECTIONS AND PLAN DEVELOPMENT	3/22/2022	CNP	0.30	460.00	138.00
CALL WITH TRIAL ATTORNEY ALICIA LEOARD RE CASE ISSUES AND PLAN VS HER MOTION TO CONVERT	3/29/2022	CNP	0.20	460.00	92.00
REPLY TO COUNSEL RE CONFIRMATION DATE	3/30/2022	CNP	0.10	460.00	46.00
REVIEW PROPOSED SCHEDULING ORDER	3/31/2022	CNP	0.10	460.00	46.00
DOWNLOAD AND REVIEW 7 DOCKETS 49 TO 54	4/6/2022	CNP	0.30	460.00	138.00

NY HAND & PHYSICAL THERAPY, PLLC

EXHIBIT A

DESCRIPTION	DATE	ACCT	HOURS	RATES	FEES
DOWNLOAD AND REVIEW DOCKETS 60 TO 64	5/14/2022	CNP	0.20	460.00	92.00
EXCHANGE EMAILS WITH DEBTOR COUNSEL RE MEETING	5/17/2022	CNP	0.10	460.00	46.00
EMAILS RE HEARING DATE AND REVIEW MOR AND SEND FOLLOW UP NOTE TO DEBTOR'S COUNSEL WITH QUESTIONS	6/14/2022	CNP	0.30	460.00	138.00
REVIEW LATE FILED APRIL AND MAY MORS	6/14/2022	CNP	0.20	460.00	92.00
REVIEW DOCKETS 67 TO 72 RE HEARING AND RELATED MATTERS	6/15/2022	CNP	0.20	460.00	92.00
DOWNLOAD AND REVIEW FILING FOR 20 LARGEST CREDITORS	6/28/2022	CNP	0.10	460.00	46.00
REVIEW FILED FORM 204	7/10/2022	CNP	0.10	460.00	46.00
REVIEW AMENDED CERTIFICATION OF BALLOTS TO INCLUDE ADDITIONAL UNSECURED CREDITOR, MACKEY, BUTTS & WHALEN, LLP.	7/11/2022	CNP	0.10	460.00	46.00
EMAIL TO COUNSEL RE LACK OF CONTACT AND MOR'S FILED	8/8/2022	CNP	0.10	460.00	46.00
CALL WITH UST TRIAL ATTORNEY RE STATUS OF CASE AND NEXT STEPS	8/9/2022	CNP	0.10	460.00	46.00
EMAILS TO DEBTOR COUNSEL RE CONFIRMATION HEARING AND REPLY	8/16/2022	CNP	0.20	460.00	92.00
CALL WITH UST TRIAL ATTORNEY ALICIA LEONHARD RE DELAY OF COURT DATE	8/17/2022	CNP	1.00	460.00	460.00
SIGN UP FOR HEARING V E APPEARANCES	8/17/2022	CNP	0.10	460.00	46.00
REVIEW JUNE MOR AND EMAIL TO COUNSEL RE LACK OF REVENUE TO MEET PLAN AND EMAILS RELATED TO HEARING DATE	8/18/2022	CNP	0.30	460.00	138.00
REPLY FROM DEBTOR COUNSEL RE ACTIVITY AT DEBTOR	8/19/2022	CNP	0.10	460.00	46.00
REVIEW JULY MOR	8/27/2022	CNP	0.10	460.00	46.00
QUICK REVIEW OF AMENDED PLAN AND EMAILS TO COUNSEL ASKING FOR A RED LINED VERSION	9/6/2022	CNP	0.20	460.00	92.00
REPLY TO COUNSEL RE PLAN CHANGES AND WITHDRAW OF OBJECTION BY CREDITOR	9/7/2022	CNP	0.20	460.00	92.00
REPLY FROM COUNSEL RE AMENDED PLAN	9/7/2022	CNP	0.10	460.00	46.00

NY HAND & PHYSICAL THERAPY, PLLC

EXHIBIT A

DESCRIPTION	DATE	ACCT	HOURS	RATES	FEES
DOWNLOAD AND REVIEW MOR	10/14/2022	CNP	0.10	460.00	46.00
DOWNLOAD LETTER FOR ADJOURNMENT	10/15/2022	CNP	0.10	460.00	46.00
EMAIL RE NOTICE OF ADJOURNMENT TO 12/6/2022	10/17/2022	CNP	0.10	460.00	46.00
EMAILS RE HEARING AND RESPONSE FROM UST RE NO ATM USAGE	10/20/2022	CNP	0.20	460.00	92.00
A SERIES OF EMAILS RE ISSUES WITH MOR AND NEXT STEPS	10/20/2022	CNP	0.30	460.00	138.00
REGISTER FOR HEARING	11/14/2022	CNP	0.10	460.00	46.00
DOWNLOAD AND REVIEW CLAIM	11/22/2022	CNP	0.10	460.00	46.00
EMAIL FROM DEBTOR COUNSEL RE ADJOURNMENT AND EMAIL TO UST RE SAME	11/30/2022	CNP	0.10	460.00	46.00
EMAIL TO DEBTOR COUNSEL RE EST FEES AND DID SHE SPEAK TO UST	12/2/2022	CNP	0.10	460.00	46.00
PREPARE FOR AND ATTEND HEARING	12/6/2022	CNP	0.40	460.00	184.00
EMAIL TO UST RE LACK OF RESPONSE AND OPTION TO DISMISS CASE	12/6/2022	CNP	0.10	460.00	46.00
REGISTER FOR COURT HEARING	12/8/2022	CNP	0.10	460.00	46.00
REVIEW LATE FILED MORS SEPTEMBER AND OCTOBER	12/9/2022	CNP	0.20	460.00	92.00
DOWNLOAD AND REVIEW MORS FILED BASED ON HEARING AND ORDER OF THE JUDGE	12/12/2022	CNP	0.20	460.00	92.00
DISCUSS CASE WITH UST PRIOR TO HEARING AND RECOMMEND A COURSE OF ACTION RE SAME	12/20/2022	CNP	0.30	460.00	138.00
REVIEW MORS AND ATTEND HEARING AND EMAILS TO DEBTOR COUNSEL AND UST AFTER HEARING	12/20/2022	CNP	0.30	460.00	138.00
DOWNLOAD PLAN AND EMAILS TO COUNSEL FOR REDLINED CHANGES	1/4/2023	CNP	0.10	460.00	46.00
REVIEW MOR DECEMBER	1/5/2023	CNP	0.10	460.00	46.00
REVIEW PLAN CHANGES AND MOR AND REPLY EMAILS TO DEBTOR COUNSEL	1/5/2023	CNP	0.10	460.00	46.00
REVIEW LATEST VERSION OF PLAN, ITEMS MISSING	1/6/2023	CNP	0.20	460.00	92.00
DOWNLOAD AND REVIEW AMENDED PLAN FROM COUNSEL	1/6/2023	CNP	0.20	460.00	92.00

NY HAND & PHYSICAL THERAPY, PLLC

EXHIBIT A

DESCRIPTION	DATE	ACCT	HOURS	RATES	FEES
DOWN LOAD AND REVIEW DOCKETS 106 AND 105 RE OBJECTIONS TO PLAN	1/7/2023	CNP	0.20	460.00	92.00
EMAIL TO COUNSEL'S RE OBJECTION AND MY OFFER TO ASSIST IN A RESOLUTION	1/7/2023	CNP	0.10	460.00	46.00
EMAIL FROM CREDITOR COUNSEL AND EMAIL TO DEBTOR COUNSEL RE ITEMS OF CONTROVERSY	1/9/2023	CNP	0.10	460.00	46.00
REPLY FROM CREDITOR COUNSEL RE PLAN CHANGE	1/10/2023	CNP	0.10	460.00	46.00
EMAILS TO DEBTOR COUNSEL RE VERSION OF PLAN BY OBJECTING CREDITOR COUNSEL	1/11/2023	CNP	0.10	460.00	46.00
DOWNLOAD AND REVIEW DEBTOR'S THIRD PLAN OF REORGANIZATION	1/12/2023	CNP	0.20	460.00	92.00
REVIEW THIRD PLAN AND RELATED DOCUMENTS	1/13/2023	CNP	0.30	460.00	138.00
REGISTER FOR HEARING	1/16/2023	CNP	0.10	460.00	46.00
DOWN LOAD AND REVIEW CREDITOR LETTER REMOVING OBJECTION	1/16/2023	CNP	0.10	460.00	46.00
DOWNLOAD AND REVIEW SUPPLEMENTAL SCHEDULING ORDER SETTING PLAN CONFIRMATION HEARING AND RELATED DEADLINES AND APPROVING THE FORM OF BALLOT	1/21/2023	CNP	0.10	460.00	46.00
REVIEW CHANGE OF HEARING DATE AND EMAIL TO COUNSEL AND REVIEW 4 DOCKET ENTRIES 111 TO 114	1/28/2023	CNP	0.20	460.00	92.00
CALL WITH UST ATTORNEY ALISHIA LEONHARD RE DISMISSAL	1/30/2023	CNP	0.30	460.00	138.00
CALL WITH DEBTOR LAWYER RE DISMISSAL AND CALL WITH UST, SEVERAL FOLLOW UP EMAILS	1/30/2023	CNP	0.40	460.00	184.00
RESPOND TO DEBTOR COUNSEL RE CHANGE OF DATE FOR HEARING	1/30/2023	CNP	0.10	460.00	46.00
DEVELOP A FORM OF A 5 YEAR DISPOSABLE INCOME PROJECTION FOR COUNSEL TO USE TO CONSTRUCT PLAN	1/30/2023	CNP	0.50	460.00	230.00
CALL WITH DEBTOR COUNSEL RE UST NOT APPROVING EXTENSION	1/30/2023	CNP	0.60	460.00	276.00
DOWNLOAD REVIEW DOCKET 116	1/31/2023	CNP	0.10	460.00	46.00
DOWNLOAD AND REVIEW MOR	2/13/2023	CNP	0.10	460.00	46.00

NY HAND & PHYSICAL THERAPY, PLLC

EXHIBIT A

DESCRIPTION	DATE	ACCT	HOURS	RATES	FEES
REVIEW DISPOSABLE INCOME AND SEND DEBTOR COUNSEL MY COMMENTS	2/13/2023	CNP	0.50	460.00	230.00
FOLLOW UP EMAIL FROM DEBTOR COUNSEL RE DISPOSABLE INCOME	2/16/2023	CNP	0.10	460.00	46.00
CALL WITH UST RE CASE ISSUES	2/28/2023	CNP	0.30	460.00	138.00
REVIEW EMAILS FORM DEBTOR COUNSEL AND REPLY RE CHANGE OF DISPOSABLE INCOME CALCULATION AND DELAY ADVISED DEBTOR COUNSEL UST MAY NOT APPROVE DELAY	3/3/2023	CNP	0.10	460.00	46.00
EMAILS RE HEARING ZOOM	3/6/2023	CNP	0.10	460.00	46.00
PREPARE FOR AND ATTEND HEARING	3/7/2023	CNP	0.40	460.00	184.00
PREPARE FEE APPLICATION	3/7/2023	MMP	0.70	170.00	119.00
REVIEW AND FINALIZE FEE APPLICATION AND SIGN	3/7/2023	CNP	1.00	460.00	460.00
<b>PRE FEE APPLICATION</b>			<b>25.90</b>	<b>452.16</b>	<b>11,711.00</b>
<b>ADDITIONAL WORK</b>					
PREPARE FOR AND ATTEND FEE APPLICATION HEARING	ESTIMATE	CNP	1.00	460.00	460.00
ADDITIONAL SERVICES TO CLOSE CASE	ESTIMATE	CNP	1.00	460.00	460.00
<b>POST FEE APPLICATION TIME</b>			<b>2.00</b>	<b>460.00</b>	<b>920.00</b>
<b>GRAND TOTAL</b>			<b>27.90</b>	<b>452.72</b>	<b>12,631.00</b>

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
POUGHKEEPSIE DIVISION

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In re:

New York Hand & Physical Therapy PLLC,

Case No.: 21-35911-cgm  
Chapter 11, Subchapter V

Debtor.

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**NOTICE OF APPOINTMENT OF SUBCHAPTER V TRUSTEE**

Pursuant to 11 U.S.C. § 1183(a), the United States Trustee has appointed the following qualified individual as Subchapter V trustee in the above-captioned case:

Charles Persing  
347 Mount Pleasant Ave  
West Orange NJ 07052  
[cpersing@bederson.com](mailto:cpersing@bederson.com)  
973-530-9181

The trustee's verified statement of disinterestedness and anticipated rate of compensation is attached to this notice.

Dated: Albany, New York  
December 27, 2021

WILLIAM K. HARRINGTON  
UNITED STATES TRUSTEE  
FOR REGION 2

/s/ Lisa M. Penpraze  
Lisa M. Penpraze  
Assistant United States Trustee  
Leo W. O'Brien Federal Building  
11A Clinton Ave., Room 620  
Albany, New York 12207  
(518) 434-4553  
(518) 434-4459 (fax)  
[lisa.penpraze@usdoj.gov](mailto:lisa.penpraze@usdoj.gov)

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

NY Hand and Physical Therapy, PLLC

Debtor

Chapter 11

Case No. 21-35911(LGB)

**VERIFIED STATEMENT OF SUBCHAPTER V TRUSTEE**

In connection with the United States Trustee's Notice of Appointment of me as Subchapter V trustee in this proceeding, I hereby verify that I am a "disinterested person" as defined by 11 U.S.C. §101(14) in that I:

- (a) am not a creditor, equity security holder or insider of the debtor;
- (b) am not, and was not, within two years before the date of filing of the petition, a director, officer, or employee of the debtor; and
- (c) do not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason.

My current hourly rate is \$460 per hour, subject to an annual adjustment, which is my rate on all my cases and for all clients, and is subject to yearly adjustment. I will endeavor to arrive at an agreement with the debtor early in this case which takes into consideration the debtor's financial condition and which may result in a lower hourly realization rate at the conclusion of this case. Any such alternative agreement will be disclosed contemporaneously to the Office of the United States Trustee, and will be fully detailed in my fee application.

I will be compensated subject to court approval pursuant to 11 U.S.C. § 330. In addition, I will also be seeking reimbursement for any actual and necessary expenses I incur.

Dated: December 27, 2021

By:



In re : Chapter 11  
NEW YORK HAND & PHYSICAL : Case No. 21-35911 (CGM)  
THERAPY PLLC : (Subchapter V)  
Debtor :

**ORDER GRANTING APPLICATION FOR ALLOWANCE OF FINAL  
COMPENSATION AND REIMBURSEMENT OF EXPENSES**

Upon consideration of the Application for Allowance of Final Compensation and Reimbursement of Expenses (the "Application") for professional services rendered and expenses incurred by the Subchapter V trustee in this case from December 21, 2021 through March 7, 2023; and a hearing having been held before this Court to consider the Application on March 7, 2023; and due notice having been given pursuant to Federal Rules of Bankruptcy Procedure 2002(a)(6) and (c)(2); and due consideration having been given to any responses therefor; and sufficient cause having been shown therefor, it is hereby

ORDERED, that the Application is granted to the extent set forth in the attached Schedules A and B.

Dated: White Plains, New York  
April \_\_, 2023

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United States Bankruptcy Judge

Case No.: 21-35911 (CGM)

## CURRENT INTERIM FEE PERIOD

Case Name: New York Hand & Physical Therapy PLLC 12/26/2021 TO 3/7/2023

### Schedule A

Case No.: 21-35911 (CGM)

**FINAL FEE APPLICATION TOTALS**

Case Name: New York Hand Physical Therapy PLLC 12/26/2021 TO 3/7/2023

**Schedule B**

(1) Applicant	(2) Total Fees Requested	(3) Total Fees Paid	(4) Interim Expenses Requested	(5) Total Expenses Paid
Charles N. Persing	\$12,631.00	\$12,631.00	\$0.00	\$0.00

DATE ON WHICH ORDER WAS SIGNED:

INITIALS: CGM USBJ